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E.O. 12958: DECL: 09/30/2019
TAGS: [PREL](#) [PHUM](#) [KWBG](#) [IS](#)
SUBJECT: GOI REJECTS FORMING GAZA INVESTIGATORY COMMITTEE,
LINKS HANDLING OF REPORT TO PEACE PROCESS

REF: A. TEL AVIV 2102
[1](#)B. TEL AVIV 2099
[1](#)C. TEL AVIV 2028

Classified By: DCM Luis G. Moreno, Reasons 1.4 (b)(d)

[1](#)1. (C) Summary: Reports in the Israeli media September 30 announced that Defense Minister Barak had proposed the formation of an independent commission to conduct a separate investigation of incidents of civilian deaths in Operation Cast Lead, but MFA later denied the media report, noting that instead, the IDF Judge Advocate General is reviewing investigations already completed or still underway. MFA also released a non-paper September 30 summarizing the status of the various investigations into the Gaza operation. Separately, Israel is emphasizing that any Geneva resolution which moves consideration of the report to New York or the Hague will have a devastating impact on peace negotiations -- a line the Prime Minister used September 30 in a briefing for ambassadors of Asian and Pacific Rim countries. National Security Adviser Arad emphasized that point in an October 1 conversation with the Ambassador. Arad said the Palestinian Authority should be aware that they are "playing with fire" in pursuing their resolution in Geneva. End Summary.

[1](#)2. (C) Two articles in Israel's mass circulation Yediot Aharonot September 30 reported that Defense Minister Barak was proposing the formation of an independent commission of inquiry into specific incidents of civilian deaths during Operation Cast Lead in Gaza. According to the reports, Barak wanted the widely respected former Supreme Court President Aharon Barak, an expert on international humanitarian law, to head the independent commission. The security cabinet reportedly rejected Barak's proposal during the course of the day. According to one media account, PM Netanyahu opposed the proposal because he felt that forming an independent commission would be perceived as a GOI admission that Israel's existing system of military justice was not credible. MFA Director for UN and Human Rights Affairs Simona Halperin told PolCouns the evening of September 30 that there would be no independent commission, but that the IDF Judge Advocate General was conducting a thorough review of all of the concluded and ongoing investigations. Halperin also forwarded a non-paper reviewing all GOI investigations into allegations of human rights and IHL abuses stemming from Operation Cast Lead. Halperin told us that the non-paper was shared with U.S. Mission Geneva September 30, and post has forwarded it to NEA/IPA. Twenty specific incidents uncovered within the five command investigations, plus another 80 incidents, have been investigated. The non-paper is useful in that it explains the mechanics of how IDF investigations are carried out.

13. (C) GOI views have coalesced that any result from Geneva that refers the Goldstone report to New York or the Hague will have devastating effects on the GOI's willingness to remain engaged in the peace process. Prime Minister Netanyahu gave a briefing September 30 for Asian and Pacific Rim ambassadors arguing that the report must stay at the Human Rights Council and asking Asian countries to vote "no." Chungnam Park, South Korean Political Counselor (please protect), told us that Netanyahu told the ambassadors that the Goldstone Report "jeopardized the principle of legitimate response and could damage the authority of the UN, promote terrorism, and destroy peace."

14. (C) National Security Adviser Uzi Arad told the Ambassador October 1 that the GOI has asked unspecified people who are in contact with PA President Abbas to convey that the Palestinians are "playing with fire" in pursuing their resolution in Geneva. Arad stressed that the PA should be under no illusions what the GOI reaction will be if the Goldstone report is endorsed by the HRC and referred to New York. The GOI has mounted a global lobbying effort, including in the Arab world, to make the point that the Report risks blowing up the peace process. Arad said that, judging by the mood of Netanyahu and the cabinet, this is not a threat but a description of reality.
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